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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,983	08/22/2003	Paul J. Hanslick	43744-001US1 (183259)	8628
23973	7590	11/23/2004	EXAMINER	
DRINKER BIDDLE & REATH ONE LOGAN SQUARE 18TH AND CHERRY STREETS PHILADELPHIA, PA 19103-6996			JOHNSON, STEPHEN	
			ART UNIT	PAPER NUMBER
			3641	

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/645,983

Applicant(s)

HANSLICK ET AL.

Examiner

Stephen M. Johnson

Art Unit

3641

*NW*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-25 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/2003; 5/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

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1. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 18, line 1, the phrase "the tubular body" is repeated.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 8-11, 20-21, and 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Rose.

Rose discloses a muzzle stabilizer comprising:

- |  |                     |
|--|---------------------|
| a) a tubular body;   | 26 (forward of 62)  |
| b) a plurality of gas vents;   | 32, 34, 36          |
| c) an attachment flange;   | 26 (rearward of 62) |
| d) a coupler;  | 56                  |
| e) a coupler on the end of the barrel;                               | 25                  |
| f) a first expansion chamber;  | inside 25           |
| g) a second expansion chamber;                                       | 58                  |
| h) a gas regulator;  | 28                  |
| i) a driving surface for effecting rotation of the gas<br>regulator; | 74                  |
| j) a rotational adjustment surface on the attachment                 | 54                  |

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flange; and

k) an adjusting tool to engage surfaces i) and j). 114, 124 (see fig. 10)

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12, 14-19, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rose in view of Galliot et al..

Rose applies as previously recited. However, undisclosed is a plurality of openings of graduated sizes. Galliot et al. teach a plurality of openings of graduated sizes e1. Applicant is substituting one sized openings for another for the advantages associated with different size openings associated with different stages of gas direction. It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Galliot et al. to the Rose muzzle stabilizer and have a muzzle stabilizer with graduated size openings.

6. Claims 1-5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rose in view of Davies.

Rose applies as previously recited. However, undisclosed is a thread pattern for attaching muzzle elements of at least 24 threads per inch. Davies teaches a thread pattern for attaching muzzle elements of at least 24 threads per inch (col. 7, lines 21-29). Applicant is substituting one thread pattern for another in an analogous art setting. It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Davies to the Rose muzzle stabilizer and have a muzzle stabilizer with a different thread pattern.

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7. Claims 8-11 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Hughes.

Hughes discloses a muzzle stabilizer comprising:

- |  |                     |
|--|---------------------|
| a) a tubular body;   | 1                   |
| b) a plurality of gas vents;   | 15, 25              |
| c) an attachment flange;   | 5                   |
| d) a coupler;  | col. 1, lines 54-55 |
| e) a coupler on the end of the barrel;                               | col. 1, lines 54-55 |
| f) a first expansion chamber;  | inside 5            |
| g) a second expansion chamber;                                       | 2 or 3              |
| h) a gas regulator; and  | 17                  |
| i) a driving surface for effecting rotation of the gas<br>regulator. | 20                  |

8. Claims 1-5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes in view of Davies.

Hughes applies as previously recited. However, undisclosed is a thread pattern for attaching muzzle elements of at least 24 threads per inch. Davies teaches a thread pattern for attaching muzzle elements of at least 24 threads per inch (col. 7, lines 21-29). Applicant is substituting one thread pattern for another in an analogous art setting. It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Davies to the Hughes muzzle stabilizer and have a muzzle stabilizer with a different thread pattern.

9. Claims 8-11 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Cave.

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Cave discloses a muzzle stabilizer comprising:

- |  |                     |
|--|---------------------|
| a) a tubular body;   | 11 (forward of 23)  |
| b) a plurality of gas vents;   | 31, 32              |
| c) an attachment flange;   | 11 (rearward of 23) |
| d) a coupler;  | 14                  |
| e) a coupler on the end of the barrel;                               | 15                  |
| f) a first expansion chamber;  | 12                  |
| g) a second expansion chamber;                                       | 30                  |
| h) a gas regulator; and  | 9                   |
| i) a driving surface for effecting rotation of the gas<br>regulator. | 50                  |

10. Claims 1-5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caves in view of Davies.

Caves applies as previously recited. However, undisclosed is a thread pattern for attaching muzzle elements of at least 24 threads per inch. Davies teaches a thread pattern for attaching muzzle elements of at least 24 threads per inch (col. 7, lines 21-29). Applicant is substituting one thread pattern for another in an analogous art setting. It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Davies to the Caves muzzle stabilizer and have a muzzle stabilizer with a different thread pattern.

11. Claims 1-5, 8-11, 13, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Cellini.

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Cellini discloses a muzzle stabilizer comprising:

- |  |                      |
|--|----------------------|
| a) a tubular body;   | 11 (forward 26)      |
| b) a plurality of gas vents;   | 16, 17               |
| c) an attachment flange;   | 11 (rearward of 26)  |
| d) a coupler;  | see fig. 8 (threads) |
| e) a coupler on the end of the barrel;                                   | see fig. 8 (threads) |
| f) a first expansion chamber;  | 20                   |
| g) a second expansion chamber;   | 27                   |
| h) a gas regulator;  | 100                  |
| i) a driving surface for effecting rotation of the gas<br>regulator; and | 100                  |
| j) a thread pattern of 24 or more threads per inch.                      | see fig. 8           |

12. Claims 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

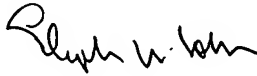
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tiffany and Garris et al. disclose other state of the art muzzle stabilizers.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 703-306-4158. The examiner can normally be reached on Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. Any inquiry of a general nature or relating to the status of this

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application or proceeding should be directed to the receptionist whose telephone number is 703-306-4177.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326. The fax phone number for after final communications is (703) 872-9327.



STEPHEN M. JOHNSON  
PRIMARY EXAMINER

Stephen M. Johnson  
Primary Examiner  
Art Unit 3641

SMJ